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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,253	03/12/2004	Michael Hamian	34250-1196	8216
29052                      7590                      06/15/2009 SUTHERLAND ASBILL & BRENNAN LLP 999 PEACHTREE STREET, N.E. ATLANTA, GA 30309				
EXAMINER				
HAIDER, FAWAAD				
ART UNIT		PAPER NUMBER		
3627				
MAIL DATE		DELIVERY MODE		
06/15/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/799,253

**Applicant(s)**

HAMIAN ET AL.

**Examiner**

FAWAAD HAIDER

**Art Unit**

3627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3.5-10, 12-14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3.5-10, 12-14 and 16-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/24/09
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 5-10, 12-14, and 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis (2001/0047282) in view of Marrott (2004/0193439).

Re Claims 3, 24: Raveis discloses storing at least one business rule in a table, wherein the business rule associates at least one variable with at least one condition (see [0117, 0146, 0156, 0183, 0208]); calculating, by the processor, commissions based, at least in part, on the value of the at least one transaction and the at least one business rule referenced in a table (see [0117]); referencing, by the processor at least one business rule in the table using at least in part the data related to the transaction (see [0183, 0228]).

Raveis fails to disclose the following limitations. Meanwhile, Marrott discloses: identifying, by the processor, a value, at least one variable, and at least one condition

based at least in part on the data related to the transaction (see Abstract, [0053, 0133, 0147, 0176]); referencing, by the processor at least one business rule in the table using at least in part the data related to the transaction (see [0183, 0228]); and importing, by a processor, data related to at least one transaction (see Abstract, [0009, 0051]). From the teaching of Marrott, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raveis' invention with Marrott's disclosure of importing data, referencing a business rule, and identifying at least one variable in order to provide "an automated process for calculating commissions (see Marrott Abstract)."

Re Claim 5: Raveis discloses wherein: the variable is chosen from the group consisting of basis points or fees per transaction (see [0071, 0103, 0118]).

Re Claim 6: Raveis discloses comprising: calculating, by the processor, the commissions, at least in part, by multiplying the basis points and the value of the at least one transaction (see [0088]).

Re Claim 7: Raveis discloses wherein: the at least one transaction is a sale, lease or installation of a product; and the value of the at least one transaction is a number of transactions; the method comprising: calculating, by the processor, the commissions, at least in part, by multiplying the fees per transaction and a number of transactions (see [0221, 0223, 0244]).

Re Claim 8: Raveis discloses wherein: the condition is chosen from the group consisting of an age of an account, a date related to entry of the account into a program, and an achievement level related to the level of activity of the account (see [0083]).

Re Claim 9: Raveis discloses wherein: the date is either an account credit approval date or a date when an account starts processing transactions (see [0083]).

Re Claim 10: Raveis discloses wherein the condition is the age of the account, the method further comprising: calculating, by the processor, the condition prior to calculating the commissions; and determining, by the processor, a value of a variable in the table based on the calculation (see [0005, 0048]).

Re Claim 12: Raveis discloses wherein: the commissions comprises a plurality of commissions components; and the condition defines whether to calculate a commissions component. Raveis discloses comprising: calculating the commissions by calculating a plurality of commissions components; and summing the calculated commissions components. Raveis discloses further comprising: calculating at least one commissions adjustment; and offsetting the summed commissions components by the at least one commissions adjustment to yield a net commissions (see [0028, 0225]).

Re Claim 13: Raveis discloses comprising calculating, by the processor, the commissions by calculating a plurality of commissions components; and summing, by the processor, the calculated commissions components (see [0098, 0117]).

Re Claim 14: Raveis discloses calculating, by the processor, at least one commissions adjustment; and offsetting, by the processor, the summed commissions components by the at least one commissions adjustment to yield a net commissions (see [0102, 0117, 0202]).

Re Claim 16: Raveis discloses comprising: calculating, by the processor, commissions paid for accounts that are not activated after a predetermined period of

time after account approval, wherein the predetermined period of time is in the business rule in the table (see [0116, 0167]).

Re Claim 17: Raveis discloses wherein: the value of the transactions is chosen from a group consisting of net sales, net revenues and a net number of transactions (see [0237]).

Re Claim 18: Raveis discloses wherein: the commissions are calculated for a sales representative servicing at least one account (see [0048]).

Re Claim 19: Raveis discloses further comprising: storing, by the processor, the calculated commissions; and generating, by the processor, a statement summarizing the calculated commissions (see [0013-0015]).

Re Claim 20: Raveis discloses further comprising: receiving, by the processor, a modification to a business rule from a party; modifying, by the processor, the business rule based at least in part on the modification received from the party; and storing, by the processor, the modified business rule in a table (see [0028]).

Re Claim 21: Raveis discloses wherein storing the modified business rule in a table comprises replacing the business rule with the modified business rule (see [0083, 0103, 0113]).

Re Claim 22: Raveis discloses wherein the commissions are calculated for a sales rep servicing an account, the sales representative being associated with at least one business rule in the table, the method comprising: calculating, by the processor, the commissions for a sales rep, at least in part, by applying a business rule associated with the sales representative (see [0090-0091]).

Re Claim 23: Raveis discloses wherein: the sales representative is associated with the at least one business rule by being associated with a compensation plan comprising a plurality of business rules and a party represented by the sales representative; and the sales representative represents the party (see [0091, 0095, 0190]).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 3, 5-10, 12-14, and 16-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fawaad Haider/

Examiner

Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627